



A

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 28049/34394

**PATENT APPLICATION TRANSMITTAL**

*Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231*

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Daozheng Lu; Paul C. Kempter and William A. Feininger

Title: AUDIENCE MEASUREMENT SYSTEM FOR DIGITAL TELEVISION

**1. Type of Application**

This new application is for a


- ☒ utility patent.  
☐ design patent.

**2 Application Papers Enclosed**

- |                                     |                                                                |
|-------------------------------------|----------------------------------------------------------------|
| 1                                   | Title Page                                                     |
| 54                                  | Pages of Specification (excluding Claims, Abstract & Drawings) |
| 21                                  | Pages of Claims                                                |
| 1                                   | Page of Abstract                                               |
| 7                                   | Sheets of Drawings (Figs. 1 to 30)                             |
| <input type="checkbox"/>            | Formal                                                         |
| <input checked="" type="checkbox"/> | Informal                                                       |

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **May 12, 1998**, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EM401471965US.

  
Richard Zimmermann

3. **Declaration or Oath**

☒ Enclosed

☒ Executed by (check all applicable boxes)

☒ Inventor(s)

☐ Legal representative of inventor(s)  
(37 CFR 1.42 or 1.43)

☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached

☐ The petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 are enclosed. See Item 5D below for fee.

☐ Not enclosed - the undersigned attorney or agent is authorized to file this application on behalf of the applicant(s). An executed declaration will follow.

4. **Additional Papers Enclosed**

☐ Preliminary Amendment

☐ Information Disclosure Statement

☐ Declaration of Biological Deposit

☐ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence

☐ Verified statement(s) claiming small entity status under 37 CFR 1.9 and 1.27

☐ Associate Power of Attorney

☐ Verified translation of a non-English patent application

☐ An assignment of the invention

☐ Certified copy(ies) of application(s):

COUNTRY	APPLICATION NO.	FILED

from which priority under 35 USC 119 is claimed ☐

is(are) attached.

☐ will follow.

☐ Other

5. **Filing Fee Calculation (37 CFR 1.16)**

A. ☒ **Utility Application**

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$395.00		\$790.00
TOTAL	69 - 20	49	X 11 =	\$	X 22 =	\$1,078.00
INDEP.	9 - 3	6	X 41 =	\$	X 82 =	\$492.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$	+ 270 =	
Filing Fee:				\$	<b>OR</b>	\$2,360.00

B. ☐ **Design Application (\$160.00/\$320.00)** Filing Fee: \$ \_\_\_\_\_

C. ☐ **Plant Application (\$265.00/\$530.00)** Filing Fee: \$ \_\_\_\_\_

D. **Other Fees**

☐ Recording Assignment [Fee -- \$40.00 per assignment] \$ \_\_\_\_\_

☐ Petition fee for filing by other than all the inventors  
or person on behalf of the inventor where inventor refused  
to sign or cannot be reached [Fee -- \$130.00] \$ \_\_\_\_\_

☐ Other \$ \_\_\_\_\_

**Total Fees Enclosed \$2,360.00**

6. **Method of Payment of Fees**

☒ Enclosed check in the amount of: **\$2,360.00**

☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

☐ Not enclosed

**7. Deposit Account and Refund Authorization**

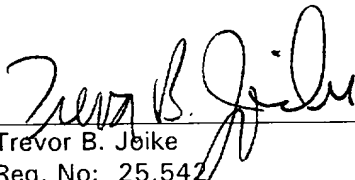
The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

Please direct all future communications to Trevor B. Joice, Esq., at the address below.

Respectfully submitted,

By:

  
Trevor B. Joice  
Reg. No: 25,542  
MARSHALL, O'TOOLE, GERSTEIN,  
MURRAY & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300

May 12, 1998

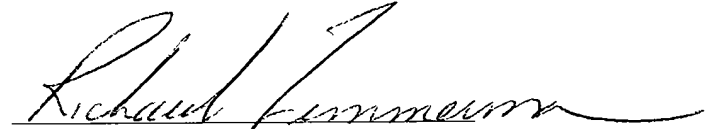
**JOINT INVENTORS**

"EXPRESS MAIL" mailing label No.  
EM401471965US.

Date of Deposit: May 12, 1998

I hereby certify that this paper (or fee) is being  
deposited with the United States Postal Service  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE"  
service under 37 CFR §1.10 on the date indicated  
above and is addressed to:

Assistant Commissioner for Patents, Washington,  
D.C. 20231



Richard Zimmermann

**APPLICATION FOR  
UNITED STATES LETTERS PATENT**

**S P E C I F I C A T I O N**

---

**TO ALL WHOM IT MAY CONCERN:**

Be it known that we, Daozheng Lu, a citizen of the United States,  
residing at 1903 Dunloe Circle, Dunedin, 34698, in the County of Pinellas and  
State of Florida; Paul C. Kempter, a citizen of the United States, residing at 146  
Lakeshore Drive North, Palm Harbor, 34684, in the County of Pinellas and State  
of Florida and William A. Feininger, a citizen of the United States, residing at  
1656 Allens Ridge Drive North, Palm Harbor, 34684, in the County of Pinellas  
and State of Florida have invented a new and useful **AUDIENCE  
MEASUREMENT SYSTEM FOR DIGITAL TELEVISION**, of which the following is  
a specification.

## AUDIENCE MEASUREMENT SYSTEM FOR DIGITAL TELEVISION

### Technical Field of the Invention

The present invention relates to the measurement of audiences of digitally broadcast television programming and to the measurement of usage of other information services provided to the audiences.

### Background of the Invention

Of the many approaches to measuring the usage of electronic entertainment equipment (commonly called "tuning" data), one approach involves the addition of an identifying code to a radio or television program, the distribution of the identifying code with the program throughout the relevant broadcasting system, and the detection and interpretation of the identifying code when the broadcast signal is viewed or heard in a statistically selected monitoring site. An example of a system which implements this type of measurement approach may be found in the following patents: U.S. Patent No. 5,481,294 to Thomas et al., who describe, *inter alia*, identifying codes added to the vertical blanking interval of an NTSC television broadcast; U.S. Patent No. 5,629,739 to Dougherty, who is particularly concerned with

the addition of an identifying code to a low energy portion of the audio spectrum of an NTSC signal; and U.S. Patent No. 5,404,377 to Moses, who teaches an audio encoding arrangement using signal masking to decrease the perceptibility of the identifying code. The disclosures of U.S. Patent No. 5,481,294, U.S. Patent No. 5,629,739, and U.S. Patent No. 5,404,377 are herein incorporated by reference.

Another approach to measuring usage of electronic entertainment equipment involves the extraction of a characteristic feature signature (or characteristic feature signature set) from the programming selected for viewing, and the storing of a time-stamped signature (or signature set) in a memory for subsequent transmission to a central data collection office where the signature (or signature set) is compared with corresponding reference signatures collected by the central office from known broadcasting sources. This approach is taught by Lert and Lu in U.S. Patent No. 4,677,466. The teaching of U.S. Patent No. 4,677,466 is herein incorporated by reference.

Yet another approach to the measurement of the usage of electronic entertainment equipment has been that of comparing the viewed signal (or some component or artifact thereof) with all the signals available to a sampled house-

hold at the time the measurement is made. A review of  
apparatus and methods useful for this measurement approach  
is found in the teachings of Thomas et al. in U.S. Patent  
No. 5,629,739 and of Lu et al. in U.S. Patent No. 5,594,934.  
The teachings in U.S. Patent No. 5,594,934 and in U.S.  
Patent No. 5,629,739 are herein incorporated by reference.

Wheeler, et al., in U.S. Application Serial No.  
08/786,270, filed on January, 22, 1997, teach a video signal  
source detection arrangement which determines the source of  
a video and/or audio signal being displayed by a television  
receiver. The arrangement implements a variety of tuning  
measurement approaches. For example, it can be used to read  
an identifying ancillary code transmitted with television  
programming, to obtain characteristic feature signatures  
from television programming, or to obtain a signal that is  
matched with a contemporary reference signal obtained by a  
television tuner controlled by measurement equipment. The  
disclosure of the aforementioned U.S. Application Serial No.  
08/786,270 is herein incorporated by reference.

Chan, in U.S. Application Serial No. 08/654,309,  
filed on May 28, 1996, teaches a sensor arrangement for non-  
intrusively obtaining a representation of video and synchro-  
nization signals from a television receiver. The disclosure



of the aforementioned U.S. Application Serial No, 08/654,309  
is herein incorporated by reference.

Changes in the methods of measuring the reception  
of television or radio programming are required because of a  
planned change-over from analog to digital broadcasting. In  
the U.S., the change-over is scheduled to be phased in by  
the year 2006, as documented in the Federal Communication  
Commission's Mass Media Docket 87-268, with particular  
reference to the Fifth Report and Order, FCC 97-116, April  
3, 1997 and to the Sixth Report and Order, FCC 97-115, April  
3, 1997. Some of the changes, and their respective impacts  
on approaches used for measuring analog broadcasts, include  
the following: (1) digital broadcast techniques do not use  
a vertical blanking interval and, therefore, the program  
tracking and identifying codes that are written in the  
vertical blanking interval of analog broadcast signals will  
not be transmitted; (2) multiple signal formats and associ-  
ated multiple display formats having, among other features,  
differing height-to-width ratios and different resolutions  
are allowed, so that existing video signal correlation  
methods used with analog broadcasts may essentially be  
disabled because these methods depend on having the same  
pictorial feature appear at corresponding places on the

measured and reference displays; (3) a broadcaster can transmit as many as six programs (arrayed as a sequence of data packets, where each data packet is labeled as to which of the programs' data is carried therein) within an assigned 6 MHz frequency band by trading off pictorial resolution for an increase in the number of programs so that (i) digital signal compression methods used to decrease the spectrum space required by a program destroy program identifying codes embedded in an original, high-resolution, program master, and (ii) determining which channel has been tuned by a receiver does not uniquely identify a program being viewed if more than one program is being transmitted in that channel; and, (4) data other than television broadcasting may be co-transmitted in the same channel and, in some cases, it is expected that the other data will be related in some manner to the co-transmitted programming so that a viewer can interact with the TV programming (e.g., to obtain a program guide or detailed information on an advertised product, to automatically switch to a desired program, or to take part in an audience-participation program).

It may be noted that, although projected digital signal compression and transmission methods destroy the types of video codes used in, and suggested for, the prior-

generation analog broadcasting approaches, it is expected that less change will be encountered with respect to audio codes. That is, because the audio component of a television broadcast comprises much less information than does the video, there is much less to be gained by applying signal compression methods to audio. Nonetheless, it is expected that various audio compression methods may be employed. These methods include those defined by the Dolby AC-3 or the European MUSICAN standards, or those defined by some yet-to-be-defined standard operable within the relatively open and flexible MPEG arrangement. Although the coding approaches taught in the aforementioned U.S. Patent No. 5,404,377 are known to survive the Dolby AC-3 and MUSICAN compression methods, compression methods other than Dolby AC-3 and MUSICAN may destroy these codes. Moreover, although the change in technology may obviate the use of some of the codes, such as those described above, other codes (e.g., digital data packet codes telling a receiving site which of several interleaved programs is associated with a given data packet) are expected to be broadcast both with television programming and with any co-transmitted data that are related to, and intended to be used in conjunction with, one or more of the programs.

5 In addition to changes in transmission equipment  
and signals, considerable changes are expected in reception  
equipment. Notable among these are both the use of set top  
signal converters (generally referred to as set top boxes)  
allowing a digital broadcast to be viewed on an analog  
receiver, and a projected convergence of television receiv-  
ers and computers. In the short term, for example, it is  
expected that digital receivers, configured as plug-in  
boards for personal computers, will be used to enable the  
display of digital television signals on the computers.  
10

Another traditional measurement reflected in  
television audience reporting has been the determination of  
who actually viewed the program that was received by the  
equipment being monitored in a statistically selected moni-  
toring site. A related measurement of interest is the  
15 identification of users of on-line services, such as on-line  
services provided over the Internet. Also, it is clear that  
measuring the members of an audience in a statistically  
selected monitoring site who are interactively using a  
television and/or accessing the Internet, and the informa-  
tion delivery apparatus used to deliver information to the  
members, will continue to be important.  
20

By far the most commonly used approach in making these measurements is that of interrogation, wherein the viewer and/or Internet user is asked to identify himself or herself as a member of the television audience or as an Internet user. In connection with television viewing, this inquiry is usually done by means of an electronic prompting and data input device (commonly referred to as a People-meter) associated with a monitored receiver in a statistically selected monitoring site. The member identification may also include age, sex, and other demographic data. It is common to store both the demographic data and the tuning data associated with each monitored receiver in the statistically selected monitoring site in store-and-forward equipment located within the monitoring site and to subsequently forward these data to a central office computer via a direct call over the public switched telephone network , or via the Internet, on a daily basis.

Of particular interest in this area is the teaching of an audience interrogation arrangement disclosed by McKenna et al., in U.S. Patent No. 4,816,904. According to this arrangement, a prompting message is displayed on a television screen overlaid on viewer selected programming by mixing the prompting message with the video signal being

sent to the display. However, McKenna et al. do not teach a "tiling" arrangement where the prompting message is displayed on a portion of a display separated from the portion of the display devoted to television picture.

5 Many arrangements have been proposed in the computer arts for reliably identifying a user so that only selected individuals can secure access to some of the data on a computer or computer system. The most common of such arrangements is that of requiring the user to enter both his or her claimed identity along with a password. Other arrangements have included the use of various biometric techniques, such as image or voice recognition devices. Additionally, it is well known in the audience measurement arts to use computer-based image recognition in order to identify members of a viewing audience. Notable among teachings in this area is that by Lu in U.S. Patent No. 4,858,000. The teaching of this patent is herein incorporated by reference.

#### Summary of the Invention

20 According to one aspect of the present invention, a television audience measurement system identifies a viewer selected television program from among a plurality of television programs simultaneously broadcast in a broadcast

channel. The television audience measurement system comprises a channel detector and a comparator. The channel detector detects the broadcast channel in which the plurality of television programs is broadcast. The comparator sequentially compares an audio component of the plurality of television programs broadcast in the detected broadcast channel with an audio signal of the viewer selected television program so as to identify the viewer selected television program.

According to another aspect of the present invention, a television audience measurement system is provided for digital television equipment that is disposed in a statistically selected location. The television audience measurement system comprises a software agent and an interface and communication apparatus. The software agent is adapted to read, from a data packet contained in digital television programming, a datum identifying a television program, and the software agent is stored in memory associated with the digital television equipment. The interface and communication apparatus is adapted to transmit the identification datum to a remotely located central office.

According to still another aspect of the present invention, a television audience measurement system identi-

5  
10  
15  
fies a viewer selected television program from among a plurality of television programs broadcast as a time division multiplexed sequence of data packets in a broadcast channel. The viewer selected television program is displayed on a television display in a statistically selected location. The television audience measurement system comprises receiving means, acquiring means, recovering means, and comparing means. The receiving means receives the time division multiplexed sequence of data packets in the broadcast channel. The acquiring means acquires an audio portion of the viewer selected television program. The recovering means recovers audio components respectively corresponding to the television programs contained in the sequence of data packets. The comparing means compares the audio components to the audio portion in order to determine the viewer selected television program.

20  
According to yet another aspect of the present invention, a television audience measurement system measures viewing of a television program viewed on digital television located in a statistically selected site and comprises detecting means, extracting means, a software agent, and selecting means. The detecting means detects an audio code embedded in the television program in order to identify the



5 television program. The extracting means extracts an audio signature from the television program in order to identify the television program. The software agent is arranged to identify the television program. The selecting means selects at least one of the detecting means, the extracting means, and the software agent in order to identify the television program.

10 According to a further aspect of the present invention, a method is provided to identify a television program selected by a viewer from a set of television programs broadcast as multiplexed data packets in a viewer selected broadcast channel. The viewer selected television program is displayed on a display portion of an apparatus tuned to the viewer selected broadcast channel. The method comprises the following steps: a) determining the viewer selected broadcast channel; b) acquiring an audio portion of the viewer selected television program; c) selecting an audio component associated with one of the set of television programs broadcast in the viewer selected broadcast channel; 15 d) comparing the audio portion with the audio component in order to determine whether the audio portion and the audio component match; e) if the audio portion and the audio component match, storing a tuning record from at least one 20

of the audio portion and the audio component; and, f) if the audio portion and the audio component do not match, selecting a different one of the television programs from the set of television programs and repeating steps (c) through (f) until either a match is found or the set of television programs is exhausted.

According to a still further aspect of the present invention, a method is provided to identify a viewer selected television program from among a plurality of time overlapped television programs broadcast in a viewer selected broadcast channel. The viewer selected television program is displayed in a first window of a multi-window television display. A data file, logically related to the viewer selected television program, is also broadcast in the viewer selected channel so as to be time overlapped with the viewer selected television program. The viewer selected television program and the data file contain respective labels indicative of the logical relation. Data from the data file is displayed in a second window of the multi-window display. The method comprises the following steps:

a) reading, from the data file, the respective data file label and an identifying datum; b) finding, from the logical relation, the television program label associated with

the respective data file label; and, c) storing a time-stamped record comprising the identifying datum.

According to yet a further aspect of the present invention, a software agent is stored in memory associated with digital television equipment. The software agent is arranged to acquire television audience measurement data relative to the digital television equipment. The software agent comprises first, second, and third logging means. The first logging means logs a television program identification datum identifying a television program selected for viewing on the digital television equipment. The second logging means logs a co-transmitted identification datum associated with data co-transmitted with the television program selected for viewing on the digital television equipment. The third logging means logs an Internet identification datum associated with an Internet task of the digital television equipment.

#### Brief Description of the Drawing

These and other features and advantages of the present invention will become more apparent from a detailed consideration of the invention when taken in conjunction with the drawings in which:

Figure 1 is a schematic block diagram depicting typical digital television broadcasting and reception equipment;

5 Figure 2 is a schematic block diagram depicting an audio-based tuning measurement system which is usable with either digital or analog broadcasting and which is in accordance with a first embodiment of the present invention;

10 Figure 3 is a schematic block diagram depicting a tuning measurement system which employs a software agent resident in some of the monitored receiving equipment and which is in accordance with a second embodiment of the present invention;

15 Figure 4 is a schematic block diagram depicting the use of digital source detection in accordance with a third embodiment of the present invention;

Figure 5 is a schematic block diagram depicting the use of digital source detection in accordance with a fourth embodiment of the present invention;

20 Figure 6 is a schematic block diagram depicting the use of data ports on various television viewing equipment in order to measure television related data in accordance with a fifth embodiment of the present invention;  
and,

Figure 7 is a flow chart depicting the operation of a software agent of the present invention.

Detailed Description of the Invention

5 A typical digital television broadcasting environment, which is planned during a transition period in which both digital and analog programs are transmitted, may comprise some combination of the elements depicted in Figure 1. Network programming, and other non-local programming, is provided to a local television station 10 from a broadcast station over a communication medium 12, such as a satellite, or terrestrial digital transmission lines, or the like. Local programming is also provided to the local television station 10 from some mixture of high definition television (HDTV) cameras 14 (which may employ a variety of formats), standard definition digital video cameras 16 (which may 15 employ a variety of resolutions and aspect ratios), and analog sources comprising both analog video cameras 18 (e.g., those compatible with the prior generation NTSC broadcast standard), and cinema film sources 20 that have 20 historically been converted to the NTSC standard by means of well known telecine 22.

5 The signals from the analog video cameras 18 and  
from the cinema film sources 20 are input to an A/D con-  
verter 24 having an appropriate digital output. The outputs  
from the A/D converter 24, from the communication medium 12,  
from the high definition television (HDTV) cameras 14,  
and/or from the standard definition digital video cameras 16  
are provided to a switching and routing apparatus 26. The  
switching and routing apparatus 26 passes selected ones of  
the signals provided to it through digital compression  
equipment 28 prior to being broadcast from the station's  
transmitter 30. The station's transmitter 30 may also  
include an antenna, a satellite dish, a cable modem, or the  
like.

10 In addition, a cable headend 31 (which is shown as  
a single cable provider but which may represent a plurality  
of cable providers) receives signals over the air, from  
satellite distribution, or the like, and distributes the  
signals (with or without reformatting) by way of regular  
cables, optical fibers, microwaves, or the like.

15  
20 The digital transmission from the local television  
station 10 and/or from the cable headend 31 may be directly  
received and displayed in a statistically selected monitor-  
ing site 32 by a digital television set 34. The digital

transmission also may be directly received and converted by a digital converter 36 (commonly configured as a set top box or STB) into an analog output (e.g., in the NTSC format) for use by an analog television set 38 purchased by a viewer prior to the change-over to digital programming. The digital transmission further may be directly received and displayed by a personal computer 40 that has a digital receiver 42 providing a baseband video output signal that the personal computer 40 can show in one of the windows 44 defined on its display unit 46. The digital receiver 42, for example, could be a plug in board of the personal computer 40 or integrated on the motherboard. The personal computer also may have speakers 47, a keyboard 48, and a mouse 50 or other pointing device known in the art.

Moreover, the digital transmission may be directly received and converted by a digital converter 52 to a form useable by a digital television set 54. For example, the digital converter 52 may be used for pay-per-view television programming, video-on-demand television programming, satellite programs, and/or other services provided to the statistically selected monitoring site 32. The digital transmission also may be directly received and converted by a digital converter 56 to a form useable by a simple monitor 58.

In either of these two cases, the digital television viewing can be measured by means of metering technologies similar to the set top box and an analog television configuration described below.

5                   In addition to the direct reception of the digital transmission by apparatus dedicated solely to that purpose (e.g., the digital television set 34 and/or the personal computer 40), it is expected that a variety of yet-to-be-defined consumer electronic apparatuses will be configured that incorporate at least some of the features of both a  
10                   digital or analog television receiver and a home computer.

                  A first embodiment 60 of the present invention, which measures tuning to digital television programming received in a statistically selected monitoring site 62, is depicted schematically in Figure 2. The first embodiment 60  
15                   measures such tuning by detecting program identification codes and/or extracting signatures from the audio portion of the television signal to which a receiver is tuned. This audio portion is detected by a detector 64 in the case of a  
20                   digital television set 66, and by a detector 68 in the case of an analog television set 70. The detector 64 may detect the audio portion of a program to which the digital television set 66 is tuned by non-intrusively detecting the sound



provided by a speaker 72 of the digital television set 66  
(in which case the detector 64 may be a microphone) or by  
intrusively detecting the audio signal from a direct connec-  
tion to the speaker, the audio output terminals, or the  
audio processing circuitry of the digital television set 66.  
Similarly, the detector 68 may detect the audio portion of a  
program to which the analog television set 70 is tuned by  
non-intrusively detecting the sound provided by a speaker 74  
of the digital television set 66 or by intrusively detecting  
the audio signal from a direct connection to the speaker,  
the audio output terminals, or the audio processing cir-  
cuitry of the analog television set 70. The analog televi-  
sion receiver 70 is provided with a digital converter 76,  
which may be similar to the digital converter 36 of Figure  
1.

The audio portion of a television program may also  
be detected by a detector 78 when the television program is  
played by a personal computer 80 on a monitor 82 and speak-  
ers 84. The detector 78 may detect the audio portion of a  
program to which the personal computer 80 is tuned by non-  
intrusively detecting the sound provided by the speakers 84  
or by intrusively detecting the audio signal from a direct

connection to the speaker, the audio output terminals, or the audio processing circuitry of the personal computer 80.

As has been taught by Thomas et al., in U.S. Patent No. 5,629,739, a representation of the audio portion picked up by the detector 64 can be analyzed by a site unit (SU) 86 and/or a home unit (HU) 88 (which may be provided with data storage and forwarding unit capability) within the statistically selected monitoring site 62 in order to determine if the audio portion from the digital television set 66 contains television program identification codes. Alternatively, the representation of the audio portion picked up by the detector 64 can be analyzed at a remotely located data collection central office 90 in order to determine if the audio portion from the digital television set 66 contains such television program identification codes. The remotely located data collection central office 90 is schematically depicted as a computer based data collection central office that interchanges data with the home unit 88 over a communication network 92, such as a public switched telephone network, the Internet, or the like.

Similarly, a representation of the audio portion picked up by the detector 68 can be analyzed by a site unit 94 and/or the home unit 88 in order to determine if the

audio portion from the analog television set 70 contains television program-identifying codes, and a representation of the audio portion picked up by the detector 78 can be analyzed by a site unit 96 and/or the home unit 88 in order to determine if the audio portion from the personal computer 80 contains television program-identifying codes. Alternatively, the representation of the audio portions picked up by the detectors 68 and 78 can be analyzed at the remotely located data collection central office 90 in order to determine if the audio portions from the analog television set 70 and the personal computer 80 contain television program identification codes.

Moreover, a person identifier 98 may be provided in order to identify the persons watching television programming on the digital television set 66. The person identifier 98 may be video camera, an IR camera, or the like. When such equipment is available in the statistically selected monitoring site 62, the site unit 86 may employ known head location and face recognition software (e.g., as taught by Lu in U.S. Patent No. 4,858,000) for the identification of the viewing persons and for the collection of other demographic data. Similarly, person identifiers may be provided in order to identify the persons watching tele-

vision programming on the analog television set 70 and on the personal computer 80.

5           Instead of analyzing the representations of the audio portions picked up by the detectors 64, 68, and 78 in order to determine if the audio portions from the corresponding digital television set 66, analog television set 70, and personal computer 80 contain television program-identifying codes, characteristic signatures can be extracted from these representations for subsequent comparison, either in the statistically selected monitoring site 62 or in the central office 90, with previously collected reference signatures in order to identify the television programs to which the digital television set 66, the analog television set 70, and the personal computer 80 are tuned.

10  
15           Programs played by VCRs on the digital television set 66, on the analog television set 70, and on the personal computer 80 can be identified using either the code or the signature technique. Thus, if the programs being played carry program identification codes that are preserved  
20 through the process of recording and replay in the case of time shifted viewing, or that are recorded in the programs stored on tapes to be rented or sold, the program identification codes can be detected at the time that the programs

are played so that the audiences of the programs may be measured. However, if the programs being played are non-encoded programs, or if the program identification codes are lost (e.g., during the recording process), then the embodi-  
5 ments of the present invention described herein can determine the programs being viewed, when the tapes are played, by extracting characteristic signatures from these programs and by matching the extracted signatures to reference signatures stored in a reference signature database. In this  
10 case, searching can be optimized by the use of well known hashing techniques.

Although the present invention may use either the code technique or the signature technique in order to measure audiences of programs played on digital television  
15 equipment, the present invention may use both of these two techniques so that one of the techniques backs up the other in the event that the one technique is unable to identify a viewer selected television program. For example, signatures are extracted and matched in order to identify a viewer  
20 selected television program only if identifying codes cannot be detected. As a further alternative, the present invention may use both of these two techniques simultaneously.

Demographic data may also be collected in connection with the present invention.

It may be noted that, although the first embodiment 60 measures the great majority of the overall audience, it is not arranged to measure interactive features (e.g., co-transmitted advertising detail) that are expected to be part of the digital broadcasting environment. Therefore, an important feature of the following embodiment is that it measures interactive features.

Accordingly, a second embodiment 100 of the present invention is provided as shown in Figure 3. The second embodiment 100 measures tuning to digital television programming in connection with a statistically selected monitoring site 102. As will be apparent from the discussion below, this second embodiment 100 may include some or all of the features of the first embodiment 60, as well as the new features described below in connection with the second embodiment 100.

According to this second embodiment 100, tuning data, and possibly demographic data, are collected from digital television reception equipment that includes processing equipment preferably having adequate non-volatile or battery-backed memory available so that an algorithm, here-

inafter referred to as a software agent, can be stored thereon. The digital television reception equipment of the second embodiment 100 may include (i) a personal computer 104 which may be similar to the personal computer 40 of Figure 1, (ii) a digital converter 106 which may be similar to the digital converter 36 of Figure 1, (iii) an analog television set 108 operating in response to the digital converter 106, and (v) a digital television set 110.

One or more software agents of the second embodiment 100, as disclosed in greater detail hereinafter, monitor operating tasks in order to create time-stamped records containing tuning and/or other data regarding operation of the particular pieces of equipment in which the software agents are resident. Such monitored operating tasks may be, for example, messages passed from a remote or other control operated by a user to a tuner or other program selector in order to select a television program being broadcast in a channel, messages passed from a controller of processing equipment to a tuner in order to select a television program being broadcast in a channel, or the like. Although software agents are expected to be able to effectively eavesdrop on data traffic passing through their hosts' data ports, the use of software agents would not fully measure tuning at

viewing sites unless each item of television equipment at those sites has a respective software agent within it so that a complete set of operating tasks can be captured.

Accordingly, a software agent 112 is included in the digital converter 106. The software agent 112 monitors operating tasks in order to create time-stamped records containing tuning and/or other data regarding operation of the digital converter 106 in which the software agent 112 is resident. Thus, the software agent 112 detects, for example, a message relating to selection of a television program being broadcast in a selected channel. From this detected message, the identity of the selected television program may be determined. The software agent 112 is also arranged to eavesdrop on data traffic passing through its host's input/output data port 114, and to communicate over the input/output data port 114. Accordingly, programs to which the analog television set 108 is tuned may be detected through use of the software agent 112. The software agent 112 may be downloaded over a communication medium 116 to the digital converter 106 by use of the input/output data port 114. Alternatively, the software agent 112 may be a plug in, may be resident on a floppy disk, or the like.



Similarly, a software agent 118 is included in the digital television set 110. The software agent 118 monitors operating tasks associated with the digital television set 110 in order to create time-stamped records containing tuning and/or other data regarding operation of the digital television set 110 in which the software agent 118 is resident. The software agent 118 is also arranged to cooperate with its host's input/output data port 120. A software agent 122 is included in the personal computer 104. The software agent 122 monitors operating tasks associated with the personal computer 104 in order to create time-stamped records containing tuning and/or other data regarding operation of the personal computer 104 in which the software agent 122 is resident. The software agent 122 is also arranged to cooperate with its host's input/output data port 124.

Moreover, a person identifier 126 may be provided in order to identify the persons watching television programming on the personal computer 104. As in the case of the person identifier 98, the person identifier 126 may be video camera, an IR camera, or the like, and may be provided with any or all of the viewing equipment shown in Figure 4.

5 The software agents 112, 118, and 122 may be  
telecommunication enabled so that television audience data  
from all the viewing sites in the statistically selected  
monitoring site 102 can be communicated, via the Internet, a  
public telephone system, or the like, to a locally located  
or remotely located intermediate data collector 128 and then  
to a remotely located central office 130 through a communi-  
cation channel 170. The intermediate data collector 128 can  
be flexibly located either at the same statistically se-  
lected monitoring site 102, or at a remotely located site  
166, or at the central office 130. For this purpose, the  
input/output data ports 114, 120, and 124 may be serial  
ports, parallel ports, universal serial buses (USB), fire-  
wires (according to IEEE 1394), or the like. The data  
transfer may, for example, be structured as a background  
task and take the form of a sequence of data packets, each  
of which is e-mailed or otherwise communicated to the re-  
motely located intermediate data collector 128 during pauses  
in a user's on line sessions or at any other time. The  
intermediate data collector 128, for example, may be a  
computerized data collector or an Internet service provider.  
Alternatively, the intermediate data collector 128 may be a  
home unit, in which case, the intermediate data collector

128 may be located within the statistically selected monitoring site 102 and may itself be arranged to communicate tuning and demographic data via e-mail or other communication to the central office 130.

5           The software agent 122 additionally may monitor the personal computer 104 for interactive uses such as Internet usage (e.g., through logging of Universal Resource Locators, URLs), application software usage, and television viewing supported by the personal computer 104. Similarly, to the extent that the digital converter 106 and the digital television set 110 are web-enabled, the software agents 114 and 118 may monitor interactive uses such as Internet usage (e.g., through logging of URLs) and application software usage, as well as television viewing.

10           Because not all equipment that is encountered by a research firm doing television audience research, at least during the early part of the digital television broadcasting era, will be compatible with the software agent approach discussed above, the second embodiment 100 of the measurement system of the present invention may be arranged to  
15  
20           include many or all of the features found in the first embodiment 60.

As described above, the first embodiment 60 measures the great majority of the overall audience by detecting the programs to which receivers are tuned by detecting program identification codes embedded in the programs, and/or by extracting signatures of the programs being viewed and by comparing the extracted signatures to reference signatures. Moreover, the second embodiment 100 measures not only the overall audience, but also interactive features provided with the programming. The embodiments described below are specifically arranged to measure, in an efficient manner, the digital television viewing data where multiple television programs are present in a common digital transmission channel (e.g., of 6 MHz), particularly where a digital television set does not have an accessible operating system with which a software agent can reside. The first embodiment 60 is also useful where there is no I/O interface on the television set so that there is no easy way to read data from the television set.

Figure 4 depicts a third embodiment 200 of the invention in which a statistically selected monitoring site 202, during the transition period when both analog and digital broadcasting occur, includes, for example, a first viewing site 204, a second viewing site 206, and a third

viewing site 208. The first viewing site 204 includes a digital converter 210 connected to an analog television set 212. The audio portion of a program to which the analog television set 212 is tuned is detected by a detector 214.

5 The detector 214 may detect this audio portion by non-intrusively detecting the sound provided by a speaker 216 of the analog television set 212 or by intrusively detecting the audio signal from a direct connection to the analog television set 212.

10 A probe 218 is provided to detect the intermediate frequency signal of the digital converter 210. A signal processor 220 demodulates the detected intermediate frequency signal to the baseband bit stream contained in the detected intermediate frequency signal, and then  
15 demultiplexes the baseband bit stream to recover the audio portion of the baseband bit stream.

20 A comparator 222 may be arranged to first determine whether there is a program identification code in the audio detected by the detector 214. If there is a program identification code in the audio detected by the detector 214, this program identification code identifies the program to which the analog television set 212 is tuned and is, therefore, logged. If there is no program identification

code in the audio detected by the detector 214, the comparator 222 then scans the audio portion of the baseband bit stream provided by the signal processor 220 in order to detect the audio in a first program contained in the intermediate frequency signal detected by the probe 218. The comparator 222 compares this audio to the audio data from the detector 214. If there is a match, the program to which the digital converter 210 is tuned is known from the information provided by the signal processor 220. If there is no match, the comparator 222 then scans the audio portion of the baseband bit stream provided by the signal processor 220 in order to detect the audio in a second program contained in the intermediate frequency signal detected by the probe 218, and so on until the comparator 222 detects a match. Once a match is found, the major and minor channel numbers of the matched channel are known, and the corresponding program identifying ancillary code can be read from the corresponding data packet.

The second viewing site 206 includes a digital television set 224. The audio portion of a program to which the digital television set 224 is tuned is detected by a detector 226. The detector 226 detects this audio portion by non-intrusively detecting the sound provided by a speaker

228 of the digital television set 224 or by intrusively detecting the audio signal from a direct connection to the digital television set 224.

5 A probe 230 is provided to detect the intermediate frequency signal of the digital television set 224. A signal processor 232 operates similarly to the signal processor 220 in order to provide the audio portion of the baseband bit stream in the intermediate frequency signal detected by the probe 230. A comparitor 234 operates similarly to the comparitor 222 in order to first determine whether there is a program identification code in the audio detected by the detector 226 and, if there is not, to scan the audio portion of the baseband bit stream provided by the signal processor 232 until a match is found.

10  
45 The third viewing site 208 includes a personal computer 236. The audio portion of a program to which the personal computer 236 is tuned is detected by a detector 238. The detector 238 detects this audio portion by non-intrusively detecting the sound provided by speakers 240 of the personal computer 236 or by intrusively detecting the audio signal from a direct connection to the personal computer 236.

5 A probe 242 is provided to detect the intermediate frequency signal of the personal computer 236. A signal processor 244 operates similarly to the signal processor 220 in order to provide the audio portion of the baseband bit stream in the intermediate frequency signal detected by the probe 242. A comparator 246 operates similarly to the comparator 222 in order to first determine whether there is a program identification code in the audio detected by the detector 238 and, if there is not, to scan the audio portion of the baseband bit stream provided by the signal processor 244 until a match is found.

10 The comparitors 222, 234, and 246 provide their program identification codes from the audio or from the data packet, and/or match information to a home unit 248, which may be provided with data storage and forwarding unit capability, within the statistically selected monitoring site 202. A remotely located data collection central office 250 is schematically depicted as a computer based data collection central office that interchanges data with the home unit 248 over a communication network 252, such as a public switched telephone network, the Internet, or the like. Moreover, a person identifier 254 may be provided in order to identify the persons watching television programming on

15  
20



the digital television set 224. As in the case of the person identifier 98, the person identifier 254 may be video camera, an IR camera, or the like, and may be provided for any or all of the viewing equipment shown in Figure 4.

5                   Alternatively, instead of using intermediate frequency probes for the probes 218, 230, and 242, local oscillator probes may be used. A local oscillator probe may be employed to initially identify the channel tuned by its associated television receiver, which offers a significant speed advantage in the measurement. That is, because channel detection apparatus normally operates much faster than does audio signal comparison apparatus, the program determination process can be carried out in a hierarchical fashion in which the broadcast channel is first determined from the local oscillator signal by the signal processors 220, 232, and 244 (assuming that a program identification code is not first detected). Then, the comparitors 222, 234, and 246 sequentially tune to the programs co-transmitted in the detected broadcast channel and compare the audio portion of the tuned program to the audio data from detectors 214, 226, and 238 in order to identify the program in the broadcast channel. In this way, the comparitors 222, 234, and 246 are not required to sequentially tune through all of the pro-

grams in all of the available channels in order to determine the tuned program.

5 A still further alternative is provided by a fourth embodiment 300 of the invention shown in Figure 5. The fourth embodiment 300 is used in a statistically selected monitoring site 302 having a first viewing site 304, a second viewing site 306, and a third viewing site 308. The first viewing site 304 includes a digital converter 310 connected to an analog television set 312. The audio portion of a program to which the analog television set 312 is tuned is detected by a detector 314. The detector 314 may detect this audio portion by non-intrusively detecting the sound provided by a speaker 316 of the analog television set 312 or by intrusively detecting the audio signal from a direct connection to the audio processing circuitry of the analog television set 312.

10  
15  
20 A scanning receiver 318 is arranged to sequentially tune to each of the programs carried in each broadcast channel to which the digital converter 310 may be tuned, and to provide an audio portion of each such program to a comparator 320. The comparator 320 may be arranged to first determine whether there is a program identification code in the audio detected by the detector 314. If there is

5 a program identification code in the audio detected by the  
detector 314, this program identification code is logged  
because it identifies the program to which the analog tele-  
vision set 312 is tuned. If there is no program identifica-  
tion code in the audio detected by the detector 314, the  
comparator 320 then compares the audio portion of a first  
program provided by the scanning receiver 318 to the audio  
data from the detector 314. If there is a match, the pro-  
gram to which the digital converter 310 is tuned is known  
from the information provided by the scanning receiver 318.  
Once a match is found, the major and minor channel numbers  
of the matched channel are known, and the corresponding  
program identifying ancillary code can be read from the  
corresponding data packet.

10 If there is no match, the comparator 320 compares  
the audio portion of a second program provided by the scan-  
ning receiver 318 to the audio data from the detector 314,  
and so on until the comparator 320 detects a match. A  
demographic input 322 may be used to provide demographic  
20 data to the comparator 320 which couples this demographic  
data, and time, with the program to which the digital con-  
verter 310 is tuned as a tuning record. The demographic  
input 322, for example, may be the well know Peoplemeter

with which people currently identify themselves manually when they are viewing a program displayed on a television set.

5 The second viewing site 306 includes a digital television set 324. The audio portion of a program to which the digital television set 324 is tuned is detected by a detector 326. The detector 326 detects this audio portion by non-intrusively detecting the sound provided by a speaker 328 of the digital television set 324 or by intrusively detecting the audio signal from a direct connection to the digital television set 324.

10  
15  
20 A scanning receiver 330 is arranged to sequentially tune to each of the programs carried in each broadcast channel to which the digital television set 324 may be tuned, and to provide an audio portion of each such program to a comparator 332. The comparator 332 may be arranged to first determine whether there is a program identification code in the audio detected by the detector 326. If there is a program identification code in the audio detected by the detector 326, this program identification code is logged because it identifies the program to which the digital television set 324 is tuned. If there is no program identification code in the audio detected by the detector 326, the

comparator 332 then compares the audio portion of a first program provided by the scanning receiver 330 to the audio data from the detector 326. If there is a match, the program to which the digital television set 324 is tuned is known from the information provided by the scanning receiver 330. If there is no match, the comparator 332 compares the audio portion of a second program provided by the scanning receiver 330 to the audio data from the detector 326, and so on until the comparator 332 detects a match.

Moreover, a person identifier 334 may be provided in order to identify the persons watching television programming on the digital television set 224. As in the case of the person identifier 98, the person identifier 254 may be video camera, an IR camera, or the like, and may be provided for any or all of the viewing equipment shown in Figure 4. The comparator 332 couples the identities of the persons watching the digital television set 324, and time, with the program to which the digital television set 324 is tuned as a tuning record.

The third viewing site 308 includes a personal computer 336. The audio portion of a program to which the personal computer 336 is tuned is detected by a detector 338. The detector 338 detects this audio portion by non-

intrusively detecting the sound provided by speakers 340 of the personal computer 336 or by intrusively detecting the audio signal from a direct connection to the personal computer 336.

5           A scanning receiver 342 is arranged to sequentially tune to each of the programs carried in each broadcast channel to which the personal computer 336 may be tuned, and to provide an audio portion of each such program to a comparator 344. The comparator 344 may be arranged to first determine whether there is a program identification code in the audio detected by the detector 338. If there is a program identification code in the audio detected by the detector 338, this program identification code is logged because it identifies the program to which the personal computer 336 is tuned. If there is no program identification code in the audio detected by the detector 338, the comparator 344 then compares the audio portion of a first program provided by the scanning receiver 342 to the audio data from the detector 338. If there is a match, the program to which the personal computer 336 is tuned is known from the major and minor channel numbers indicated by the match. If there is no match, the comparator 344 compares the audio portion of a second program provided by the scan-

ning receiver 342 to the audio data from the detector 338, and so on until the comparator 344 detects a match. The comparator 344 couples time with the program to which the personal computer 336 is tuned as a tuning record.

5           The comparitors 222, 234, and 246 provide their tuning records to a home unit 346, which may be provided with data storage and forwarding unit capability, within the statistically selected monitoring site 302. A remotely located data collection central office 348 is schematically depicted as a computer based data collection central office  
10           that interchanges data with the home unit 346 over a communication network 350, such as a public switched telephone network, the Internet, or the like.

15           It is likely that many, if not all, digital television sets, digital converters, and like digital equipment will have data ports that will provide output viewer-selected program information for use in consumer devices connected to the data ports. In connection with digital  
20           televisions, a data port is likely to provide, for example, the full major channel ATSC bitstream and information on virtual channels that may include analog or digital major channel selection, program (minor channel) selection, physical source (TV, VCR, DVD, etc.) identification, and the

like. In connection with digital converters (i.e., set top boxes), a data port is likely to provide, for example, the full ATSC bitstream and information on virtual channels that may include analog or digital major channel selection, program (minor channel) selection, vertical blanking interval data reinserted on the correct line and field of analog signals, and the like.

Accordingly, a fifth embodiment 400 of the present invention is provided as shown in Figure 6. The fifth embodiment 400 measures tuning to digital television programming in connection with a statistically selected monitoring site 402. The fifth embodiment 400 may include some or all of the features of the previously described embodiments.

The fifth embodiment 400 permits tuning data, and possibly demographic data, to be collected from digital television reception equipment that includes (i) a personal computer 404, (ii) a digital converter 406, (iii) an analog television set 408 operating in response to the digital converter 406, and (v) a digital television set 410.

The digital converter 406 has a data port 412. A site unit 414 reads and stores the full ATSC bitstream, the analog or digital major channel selection, the program



selection, vertical blanking interval data, and/or the like data available at the data port 412 in order to determine the program selected for viewing on the analog television set 408 as well as any other desired and available information. Moreover, the site unit 414 may be arranged to collect demographic data related to the viewers in the audience of the program selected for viewing on the analog television set 408. For example, the site unit 414 may collect demographic data from a person identifier, a Peoplemeter, or the like, as discussed above. All such data may be uploaded over a communication medium 416, which may be a wire, a power line, and IR link, an RF modem, or the like.

Similarly, the digital television set 410 has a data port 418. A site unit 420 reads and stores the full major channel ATSC bitstream, the major channel selection, the program selection, physical source identification, and the like data available at the data port 418 in order to determine the program selected for viewing on the digital television set 410 as well as any other desired and available information. Moreover, the site unit 420 may be arranged to collect demographic data related to the viewers in the audience of the program selected for viewing on the digital television set 408. For example, the site unit 420

may collect demographic data from a person identifier, a Peoplemeter, or the like, as discussed above. All such data may be uploaded over a communication medium 421.

Also, the personal computer 404 has a data port 422. A site unit 424 reads and stores the full major channel ATSC bitstream, the major channel selection, the program selection, and the like data available at the data port 422 in order to determine the program selected for viewing on the personal computer 404 as well as any other desired and available information. Moreover, a person identifier 426 may be provided in order to identify the persons watching television programming on the personal computer 404. As in the case of the person identifier 98, the person identifier 426 may be video camera, an IR camera, or the like, and may be provided with any or all of the viewing equipment shown in Figure 6. All program and demographic data may be uploaded over a communication medium 427.

The site units 414, 420, and 424 may be telecommunication enabled so that television audience data from all the viewing sites in the statistically selected monitoring site 402 can be communicated, via the Internet, a public telephone system, or the like, to a locally located or remotely located intermediate data collector 428 and then to

5 a remotely located central office 430 through a communica-  
tion channel 470. The intermediate data collector 428 can  
be flexibly located either at the same statistically se-  
lected monitoring site 402, or at a remotely located site  
466, or at the central office 430. For this purpose, the  
site units 414, 420, and 424 may be provided with serial  
ports, parallel ports, universal serial buses (USB), fire-  
wires (according to IEEE 1394), or the like. The intermedi-  
10 ate data collector 428, for example, may be a computerized  
data collector or an Internet service provider. Alterna-  
tively, the intermediate data collector 428 may be a home  
unit, in which case, the intermediate data collector 428 may  
be located within the statistically selected monitoring site  
402 and may itself be arranged to communicate tuning and  
15 demographic data via e-mail or other communication to the  
central office 430.

20 A software agent 500 is shown in Figure 7. The  
software agent 500 can be used for any of the software  
agents 112, 118, and 122. As shown at a block 502 of the  
software agent 500, the software agent 500 copies the cur-  
rent operating task. If the current operating task uses a  
packet of television programming as determined at a block  
504, the software agent 500 at a block 506 determines wheth-

er the data packet has a decodable packet label including a decodable program identification code, name, or other indicia. This program identification data packet is expected to be a feature of digital television programming, particularly if multiple programs are packed simultaneously as minor channels in a broadcast channel in a digital broadcasting environment, and is expected to identify the program tuned by the monitored television.

If the data packet does not have a decodable packet label, the software agent 500 at a block 508 causes the ON state of the monitored viewing equipment to be logged, provided that this ON state is a new status for the monitored viewing equipment and the monitored viewing equipment is ON. The balance of the measurement system (e.g., the audio signal methods employed by any of the other embodiments 60, 200, and 300 described above) is relied on in order to identify the tuning. Program flow then returns to the block 502 to await the next operating task.

On the other hand, if the data packet does have a decodable packet label, the software agent 500 determines at a block 510 whether the packet label from the data packet of the current operating task is the same as the packet label previously determined by the software agent 500. If so,

there is no need to store the packet label unless it is merely indicative of continued viewing to an already identified television program. Accordingly, program flow returns to the block 502 to await the next operating task. However, if the packet label from the data packet of the current operating system task is not the same as the packet label previously determined at the block 506, the software agent 500 at a block 512 logs the identification of the television program as contained in the program label and also logs the time. Program flow then returns to the block 502 to await the next operating task.

If the current operating task does not use a packet of television programming as determined at a block 504, the software agent 500 at a block 514 determines whether the current operating task is a command to other monitored equipment (e.g., a command to the digital television receiver 110 to tune a different channel and to select a particular one of the N programs being broadcast in that channel). If the current operating task is a command to other monitored equipment, the software agent 500 at a block 516 logs as much detail as is available (e.g., the command itself, the identity of the issuer of the command, and the

identity of the recipient of the command) in memory, and program flow returns to the block 502.

5 If the current operating task is not a command to other monitored equipment, the software agent 500 at a block 518 determines if co-transmitted data (i.e., data that is  
10 related to one of the television programs being broadcast in a channel and that is transmitted during the same time interval as the program) has been selected by a viewer. Co-transmitted data may comprise a guide to other available  
15 television programming, catalog-like details on products being advertised on the co-transmitted program, and the like. Some of these proposed uses of co-transmitted data will be configured so that one can infer what program is being viewed from a URL or other label that logically links the co-transmitted data to the television program. Accordingly, the software agent 500 at a block 520 searches the header portion of a task for such URL or other label, and logs such URL or other label that is found. Thereafter, program flow returns to the block 502.

20 If co-transmitted data has not been selected by a viewer, the software agent 500 at a block 522 determines if the user of the equipment has directed his or her browser, or other communication software, to access an internet page

(assuming that the monitored viewing equipment being monitored is configured so that it has access to the Internet or other on-line service). If the user of the equipment has directed his or her browser, or other communication software, to access an internet page, the software agent 500 at a block 524 searches for a URL or other label, and logs such URL or other label that is found. Thereafter, program flow returns to the block 502. If the user of the equipment has not directed his or her browser, or other communication software, to access an internet page, program flow returns to the block 502.

As an example of the use of a software agent as describe above, consider the case of a person in a statistically selected monitoring site who is viewing a digital television program and who sees an interesting product being advertised. It is expected that the person will have the capability to request more data on that product by means of a simple mouse-click operation. This data, for example, will either be a subset of the data providing the displayed advertisement, or will be co-transmitted subsequently in the signal of the television program that the person has selected for viewing. This data would then be displayed in a separate window on the multi-windowed display being used for

5 television viewing. An additional set of data could then be  
obtained by clicking on a hypertext link element of the  
initially displayed data. This action would result in  
downloading the desired additional data over the Internet.  
A software agent installed in this viewing equipment could  
thus log not only what program was being viewed, but could  
also supply additional marketing research data on the con-  
sumer's use of in-program advertising.

10 In addition to providing a device for monitoring  
tuning activity, the software agent of the present invention  
can be used to collect demographic data relative to the  
monitored viewing. In a manual approach to the collection  
of demographic data, the software agent could generate a  
status and prompting display in one window of the viewing  
equipment requiring a viewer or user to input the appropri-  
ate demographic data. This status and prompting display  
window could have an appearance similar to that provided by  
the peplemeter hardware widely used in contemporary audi-  
15 ence measurements and that displays a status reminder light  
for each occupant of a statistically selected monitoring  
site. However, in the comparable windowed display arrange-  
ment, the name of each occupant could be shown along with a  
status indicator.  
20



5 If the software agent is used with a personal  
computer that can receive digital television programming, a  
variety of more nearly automatic and less intrusive ap-  
proaches (from the television viewer's perspective) could be  
used to collect persons data and update a tiled status  
display. For example, it is well known to identify an  
individual user of a manual input device (such as a keyboard  
or a mouse) of a computer by the characteristic rates of  
data entry and pauses between data entries. In a television  
audience measurement, in which the occupant population to be  
monitored is very small, measurements of this sort should be  
expected to be highly accurate. Moreover, an increasing  
number of personal computers have video cameras associated  
with them, so that the user of the computer can engage in  
video conferences by telephone. When such equipment is  
available in a statistically selected monitoring site, a  
software agent comprising known head location and face  
recognition software (e.g., as taught by Lu in U.S. Patent  
No. 4,858,000) can be employed for the identification per-  
sons and the collection of demographic data.

Certain modifications of the present invention  
have been discussed above. Other modifications will occur  
to those practicing in the art of the present invention.

For example, the software agents 112, 118, and 122, as described above, monitor operating tasks. The operating tasks may be operating system events of the operating systems used by the equipment in which the software agent is resident. Indeed, the software agents 112, 118, and 122 may monitor any function of the monitored equipment as long as the desired data is collected.

Also, a statistically selected monitoring site according to each of the embodiments of the invention, as described above, includes certain viewing equipment as well as certain monitoring equipment. However, it should be understood that a statistically selected monitoring site according to the present invention may include any combination of the equipment incorporated in the embodiments described above, as well as other and/or different equipment.

Moreover, the software agent 500 described above can be generic so that it can be used with any piece of equipment with which it is compatible, or it may be specialized for each particular apparatus in which it is used. Also, the software agent 500 may be arranged to detect the all window activities conducted by an audience.

Furthermore, although not shown in Figures 2-5, the digital television reception equipment of the embodi-

ments shown therein may further include auxiliary digital television equipment such as a VCR, a digital video disk player, a video game, or other entertainment systems.

5           Additionally, as described above, program identification codes are detected in order to identify television programs. However, television programs may be identified by any indicia such as program names. Moreover, an internet page may be identified by its address or by an identification code or name or label or, in the case of an advertisement on the Internet, by its banner. Therefore, any indicia from which a television program or content associated with a television program may be identified is referred to herein generically as an identification datum.

10           Moreover, the home units 248 and/or 346 may be referred to herein as intermediate data collectors.

15           Accordingly, the description of the present invention is to be construed as illustrative only and is for the purpose of teaching those skilled in the art the best mode of carrying out the invention. The details may be varied substantially without departing from the spirit of the invention, and the exclusive use of all modifications which are within the scope of the appended claims is reserved.

20

WE CLAIM:

1           1. A television audience measurement system for  
2 identifying a viewer selected television program from among  
3 a plurality of television programs simultaneously broadcast  
4 in a broadcast channel, the television audience measurement  
5 system comprising:

6           a channel detector that detects the broadcast  
7 channel in which the plurality of television programs is  
8 broadcast; and,

9           a comparator that sequentially compares an audio  
10 component of the plurality of television programs broadcast  
11 in the detected broadcast channel with an audio signal of  
12 the viewer selected television program so as to identify the  
13 viewer selected television program.

1           2. The television audience measurement system of  
2 claim 1 wherein the audio signal is detected by a microphone  
3 disposed adjacent a television display.

1           3. The television audience measurement system of  
2 claim 1 wherein the audio signal is detected by an intrusive  
3 connection into equipment related to television viewing.

1           4. The television audience measurement system of  
2 claim 1 further comprising a program identification datum  
3 detector that detects, from the viewer selected television  
4 program, a program identification datum indicative of an  
5 identity of the viewer selected television program.

1           5. The television audience measurement system of  
2 claim 4 wherein the program identification datum detector  
3 comprises a software agent resident in equipment related to  
4 television viewing.

1           6. The television audience measurement system of  
2 claim 5 wherein the software agent is arranged to search for  
3 the program identification datum.

1           7. The television audience measurement system of  
2 claim 4 wherein the audio signal is detected by a microphone  
3 disposed adjacent a television display.

1           8. The television audience measurement system of  
2 claim 4 wherein the audio signal is detected by an intrusive  
3 connection into equipment related to television viewing.

1           9. The television audience measurement system of  
2 claim 4 wherein the comparator is arranged to sequentially  
3 compare the audio component of the plurality of television  
4 programs broadcast in the detected broadcast channel with  
5 the audio signal of the viewer selected television program  
6 so as to identify the viewer selected television program if  
7 the program identification datum detector is unable to  
8 detect a program identification datum indicative of an  
9 identity of the viewer selected television program.

1           10. The television audience measurement system of  
2 claim 1 further comprising a software agent arranged to  
3 detect, from the viewer selected television program, a data  
4 element indicative of an identity of the viewer selected  
5 television program.

1           11. The television audience measurement system of  
2 claim 10 wherein the software agent is arranged to search  
3 for a program identification datum indicative of an identity  
4 of the viewer selected television program.

1           12. The television audience measurement system of  
2 claim 4 wherein the comparator is arranged to sequentially  
3 compare the audio component of the plurality of television  
4 programs broadcast in the detected broadcast channel with  
5 the audio signal of the viewer selected television program  
6 so as to identify the viewer selected television program if  
7 the program identification datum detector is unable to  
8 detect a program identification datum indicative of an  
9 identity of the viewer selected television program.

1           13. A television audience measurement system for  
2 digital television equipment, wherein the digital television  
3 equipment is disposed in a statistically selected location,  
4 the television audience measurement system comprising:

5           a software agent adapted to read, from a data  
6 packet contained in digital television programming, a datum  
7 identifying a television program, wherein the software agent  
8 is stored in memory associated with the digital television  
9 equipment;

10           an interface and communication apparatus adapted  
11 to transmit the identification datum to a remotely located  
12 central office.

1           14. The television audience measurement system of  
2 claim 13 wherein the digital television equipment comprises  
3 a receiver having a tuner, a microprocessor, memory, an  
4 operating system, and a video display unit.

1           15. The television audience measurement system of  
2 claim 13 wherein the digital television equipment is a set  
3 top box providing an analog television signal to an analog  
4 receiver.

1           16. The television audience measurement system of  
2 claim 13 wherein the digital television equipment comprises  
3 a set top box providing a digital television signal to a  
4 digital receiver.

1           17. The television audience measurement system of  
2 claim 13 wherein the digital television equipment comprises  
3 a set top box and a monitor.

1           18. The television audience measurement system of  
2 claim 13 wherein the digital television equipment comprises  
3 a personal computer provided with a television receiver.



1           19. The television audience measurement system of  
2 claim 13 wherein the digital television equipment includes a  
3 VCR.

1           20. The television audience measurement system of  
2 claim 13 wherein the digital television equipment includes a  
3 digital versatile disk player.

1           21. The television audience measurement system of  
2 claim 13 further comprising a person identification appara-  
3 tus.

1           22. The television audience measurement system of  
2 claim 13 wherein the identification datum is a program  
3 identification code of a television program.

1           23. The television audience measurement system of  
2 claim 13 wherein the identification datum comprises a pro-  
3 gram name.

1           24. The television audience measurement system of  
2 claim 13 wherein the identification datum comprises an  
3 address of an Internet page.

1           25. The television audience measurement system of  
2 claim 13 wherein the identification datum comprises an  
3 identification code of an Internet page.

1           26. The television audience measurement system of  
2 claim 13 wherein the identification datum comprises a banner  
3 of material viewed by an audience.

1           27. The television audience measurement system of  
2 claim 13 wherein the identification datum comprises a signa-  
3 ture extracted from a television program viewed on the  
4 digital television equipment.

1           28. The television audience measurement system of  
2 claim 13 wherein the software agent is arranged to detect  
3 window activities conducted by an audience.

1           29. The television audience measurement system of  
2 claim 13 wherein the interface and communication apparatus  
3 includes a serial port.

1           30. The television audience measurement system of  
2 claim 13 wherein the interface and communication apparatus  
3 includes a parallel port.

1           31. The television audience measurement system of  
2 claim 13 wherein the interface and communication apparatus  
3 includes a universal serial bus.

1           32. The television audience measurement system of  
2 claim 13 wherein the interface and communication apparatus  
3 includes a firewire.

1           33. The television audience measurement system of  
2 claim 13 wherein the interface and communication apparatus  
3 is arranged to send the identification datum to an Internet  
4 service provider via the Internet.

1           34. The television audience measurement system of  
2 claim 13 wherein the interface and communication apparatus  
3 includes an intermediate data collector.

1           35. The television audience measurement system of  
2 claim 34 wherein the intermediate data collector includes a

3 store and forward device, and wherein the store and forward  
4 device is arranged to send the identification datum to the  
5 central office via a telephone line.

1 36. The television audience measurement system of  
2 claim 34 wherein the intermediate data collector is an  
3 Internet service provider.

1 37. The television audience measurement system of  
2 claim 34 wherein the intermediate data collector is a data  
3 collection facility located in the central office.

1 38. The television audience measurement system of  
2 claim 13 wherein the software agent is a software agent  
3 downloaded to the memory associated with the digital televi-  
4 sion equipment.

1 39. The television audience measurement system of  
2 claim 13 wherein the software agent is a plug in software  
3 agent of the digital television equipment.

1           40. The television audience measurement system of  
2 claim 13 wherein the software agent is a floppy disk soft-  
3 ware agent of the digital television equipment.

1           ~~41.~~ A television audience measurement system for  
2 identifying a viewer selected television program from among  
3 a plurality of television programs broadcast as a time  
4 division multiplexed sequence of data packets in a broadcast  
5 channel, the viewer selected television program being dis-  
6 played on a television display in a statistically selected  
7 location, the television audience measurement system com-  
8 prising:

9           receiving means for receiving the time division  
10 multiplexed sequence of data packets in the broadcast chan-  
11 nel;

12           acquiring means for acquiring an audio portion of  
13 the viewer selected television program;

14           recovering means for recovering audio components  
15 respectively corresponding to the television programs con-  
16 tained in the sequence of data packets; and,

17           comparing means for comparing the audio components  
18 to the audio portion in order to determine the viewer se-  
19 lected television program.

1           42. The television audience measurement system of  
2 claim 41 wherein the acquiring means comprises a sensor  
3 arranged to acquire a representation of a speaker signal  
4 from a speaker associated with the television display.

1           43. The television audience measurement system of  
2 claim 41 wherein the acquiring means comprises a connection  
3 to audio processing circuitry associated with the television  
4 display.

1           44. The television audience measurement system of  
2 claim 41 wherein the receiving means comprises;  
3           an intermediate frequency probe arranged to ac-  
4 quire an intermediate frequency signal from a viewer con-  
5 trolled tuner associated with the television display; and,  
6           demodulating means for demodulating the intermedi-  
7 ate frequency signal in order to receive the data packets.

1           45. The television audience measurement system of  
2 claim 41 wherein the receiving means comprises:

3           a local oscillator frequency probe arranged to  
4 pick up a local oscillator frequency signal from the televi-  
5 sion display;

6           means for identifying the broadcast channel from  
7 the local oscillator signal;

8           wherein the recovering means recovers the audio  
9 components from television programs contained in the identi-  
10 fied broadcast channel; and,

11           wherein the comparing means compares the audio  
12 components to the representation of the speaker signal in  
13 order to determine the viewer selected television program.

1           46. The television audience measurement system of  
2 claim 41 wherein the receiving means comprises a scanning  
3 receiver arranged to scan each of a plurality of broadcast  
4 channels and to receive a corresponding plurality of time  
5 division multiplexed television programs from each of the  
6 plurality of broadcast channels.

1           47. The television audience measurement system of  
2 claim 41 further comprising identifying means for identify-

ing persons in an audience of the viewer selected television program.

48. A television audience measurement system for measuring viewing of a television program viewed on digital television located in a statistically selected site comprising:

detecting means for detecting an audio code embedded in the television program in order to identify the television program;

extracting means for extracting an audio signature from the television program in order to identify the television program;

a software agent arranged to identify the television program; and,

selecting means for selecting at least one of the detecting means, the extracting means, and the software agent in order to identify the television program.

49. The television audience measurement system of claim 48 further comprising retrieving means for retrieving an audience measurement data packet from a television set in order to identify the television program, wherein the se-



5       lecting means selects at least one of the retrieving means,  
6       the detecting means, the extracting means, and the software  
7       agent in order to identify the television program.

1               50. A method of identifying a television program  
2       selected by a viewer from a set of television programs  
3       broadcast as multiplexed data packets in a viewer selected  
4       broadcast channel, the viewer selected television program  
5       being displayed on a display portion of an apparatus tuned  
6       to the viewer selected broadcast channel, the method com-  
7       prising the steps of:

8               a) determining the viewer selected broadcast  
9       channel;

10              b) acquiring an audio portion of the viewer  
11       selected television program;

12              c) selecting an audio component associated with  
13       one of the set of television programs broadcast in the  
14       viewer selected broadcast channel;

15              d) comparing the audio portion with the audio  
16       component in order to determine whether the audio portion  
17       and the audio component match;

18           e) if the audio portion and the audio component  
19 match, storing a tuning record from at least one of the  
20 audio portion and the audio component; and,

21           f) if the audio portion and the audio component  
22 do not match, repeating steps (c) through (f) until either a  
23 match is found or the set of television programs is ex-  
24 hausted.

51. The method of claim 50 wherein step a) com-  
prises the step of determining the viewer selected broadcast  
channel by use of a channel detector associated with the  
apparatus.

52. The method of claim 51 wherein step b) com-  
prises the step of acquiring the audio portion of the viewer  
selected television program by use of an audio probe adja-  
cent the apparatus.

53. The method of claim 52 wherein step c) com-  
prises the step of selecting the audio component by use of a  
digital tuner that is not a portion of the apparatus.

1           54. The method of claim 50 wherein step b) com-  
2           prises the step of acquiring the audio portion of the viewer  
3           selected television program by use of an audio probe adja-  
4           cent the apparatus.

1           55. The method of claim 54 wherein step c) com-  
2           prises the step of selecting the audio component by use of a  
3           digital tuner that is not a portion of the apparatus.

1           56. The method of claim 50 wherein step c) com-  
2           prises the step of selecting the audio component by use of a  
3           digital tuner that is not a portion of the apparatus.

1           ~~57~~. A method of identifying a viewer selected  
2 television program from among a plurality of time overlapped  
3 television programs broadcast in a viewer selected broadcast  
4 channel, wherein the viewer selected television program is  
5 displayed in a first window of a multi-window television  
6 display, wherein a file is also broadcast in the viewer  
7 selected channel so as to be time overlapped with the viewer  
8 selected television program, wherein the viewer selected  
9 television program and the data file contain respective  
10 labels, wherein material from the file is displayed in a  
11 second window of the multi-window display, and wherein the  
12 method comprises the steps of:

- 13           a) reading, from the file, the respective file  
14 label and an identifying datum;  
15           b) finding the television program label associ-  
16 ated with the respective file label; and,  
17           c) storing a time-stamped record comprising the  
18 identifying datum.

1           58. The method of claim 57 wherein the file is a  
2 data file.

1                   59. The method of claim 57 wherein the file is an  
2 image file.

1                   60. The method of claim 57 wherein the file is  
2 logically related to the viewer selected television program,  
3 wherein the television program label and the file label are  
4 indicative of the logical relation, and wherein step com-  
5 prises the step of finding, from the logical relation, the  
6 television program label associated with the respective data  
7 file label.

1                   61. A software agent stored in memory associated  
2 with digital television equipment, wherein the software  
3 agent is arranged to acquire television audience measurement  
4 data relative to the digital television equipment, the  
5 software agent comprising:

6                   first logging means for logging a television  
7 program identification datum identifying a television pro-  
8 gram selected for viewing on the digital television equip-  
9 ment;

10                   second logging means for logging an identification  
11 datum associated with data corresponding to the television

12 program selected for viewing on the digital television  
13 equipment; and,

14 third logging means for logging an Internet iden-  
15 tification datum associated with an Internet task of the  
16 digital television equipment.

1 62. An apparatus for identifying a viewer se-  
2 lected television program from among a plurality of time  
3 overlapped television programs broadcast in a viewer se-  
4 lected broadcast channel and received by digital television  
5 program reception equipment, wherein the digital television  
6 program reception equipment has a data port, the apparatus  
7 comprising:

8 reading means connected to the data port for  
9 reading program identifying data from among data provided on  
10 the data port; and,

11 storing means for storing the program identifying  
12 data.

1 63. The apparatus of claim 62 wherein the digital  
2 television program reception equipment is a digital con-  
3 verter.

1           64. The apparatus of claim 62 wherein the digital  
2 television program reception equipment is a personal com-  
3 puter.

1           65. The apparatus of claim 62 wherein the digital  
2 television program reception equipment is a digital televi-  
3 sion set.

1           66. An apparatus for identifying a viewer se-  
2 lected television program from among a plurality of time  
3 overlapped television programs broadcast in a viewer se-  
4 lected broadcast channel and received by digital television  
5 program reception equipment, wherein the digital television  
6 program reception equipment has a data port, the apparatus  
7 comprising:

8           reading means connected to the data port for  
9 reading program identifying data from among data provided on  
10 the data port; and,

11           communicating means for communicating the program  
12 identifying data to a remote point.

1           67. The apparatus of claim 66 wherein the digital  
2 television program reception equipment is a digital converter.

1           68. The apparatus of claim 66 wherein the digital  
2 television program reception equipment is a personal com-  
3 puter.

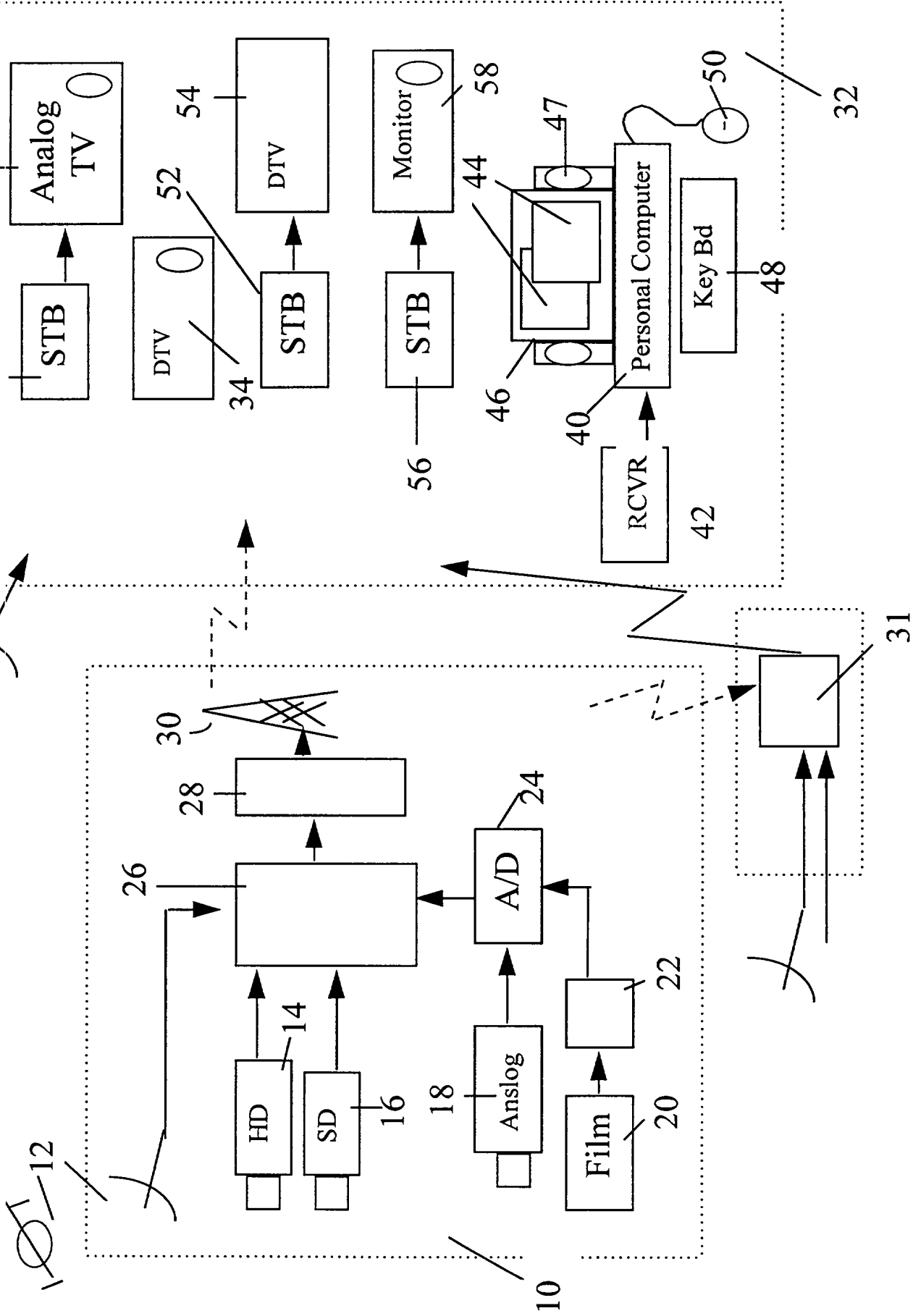
1           69. The apparatus of claim 66 wherein the digital  
2 television program reception equipment is a digital televi-  
3 sion set.



Abstract of the Disclosure

A television audience measurement system measures viewing of a television program viewed on digital television located in a statistically selected site by (i) retrieving an audience measurement data packet from a television set in order to identify the television program, (ii) detecting an audio code embedded in the television program in order to identify the television program, (iii) extracting an audio signature from the television program in order to identify the television program, (iv) identifying the television program through use of a software agent, and (v) selecting at least one of the retrieving means, the detecting means, the extracting means, and the software agent in order to identify the television program.

Figure 1





### Figure 3

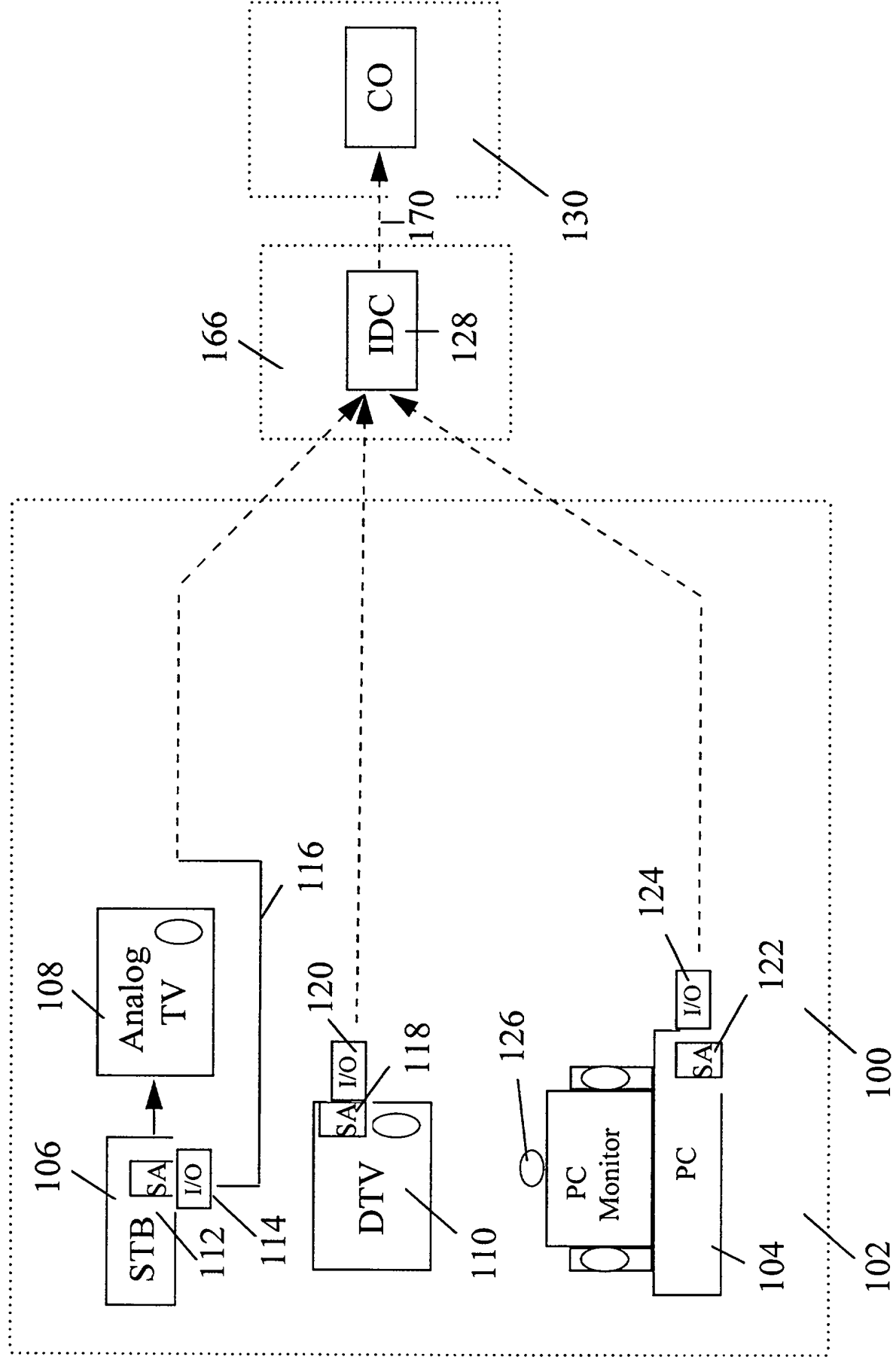
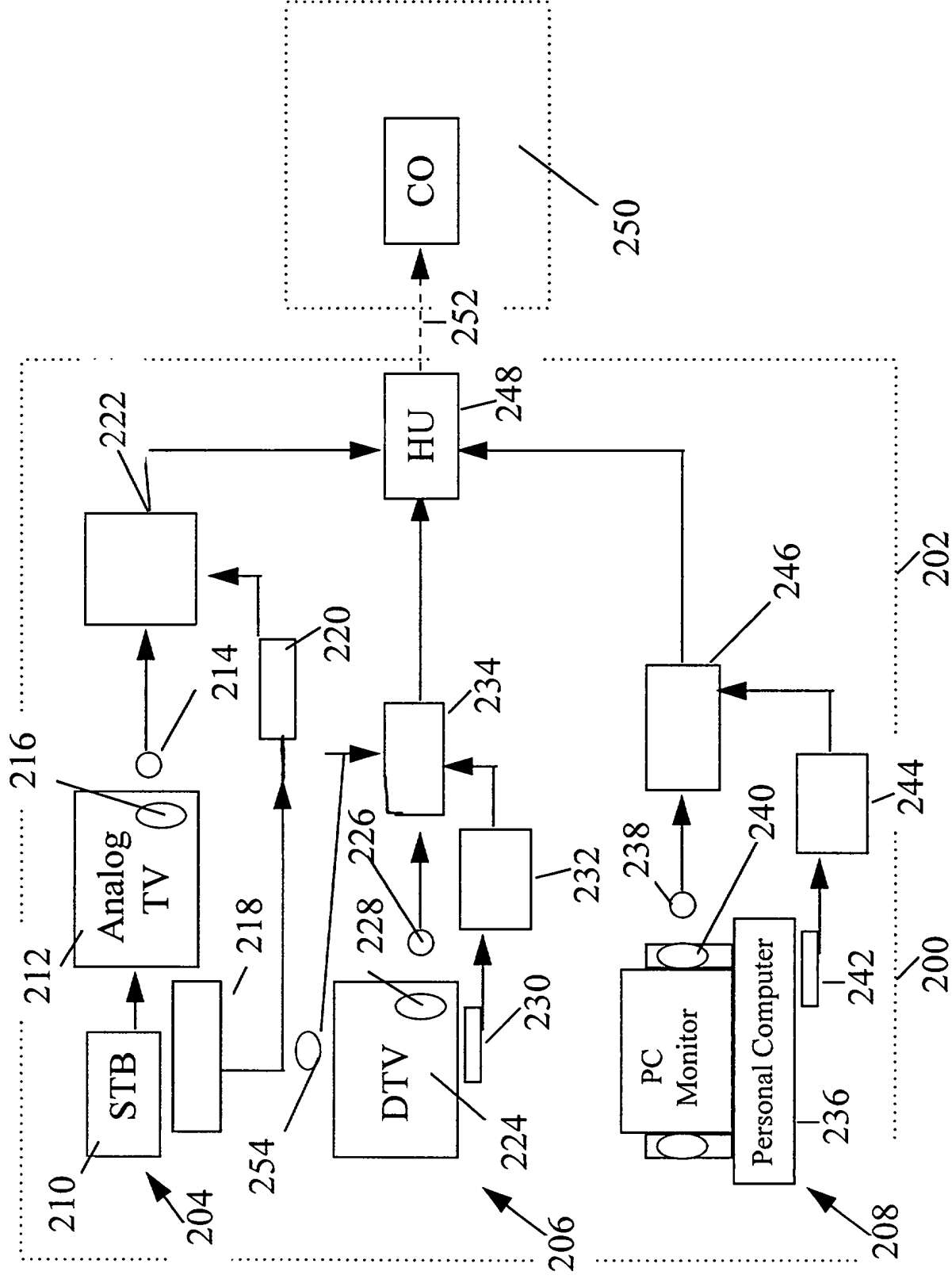
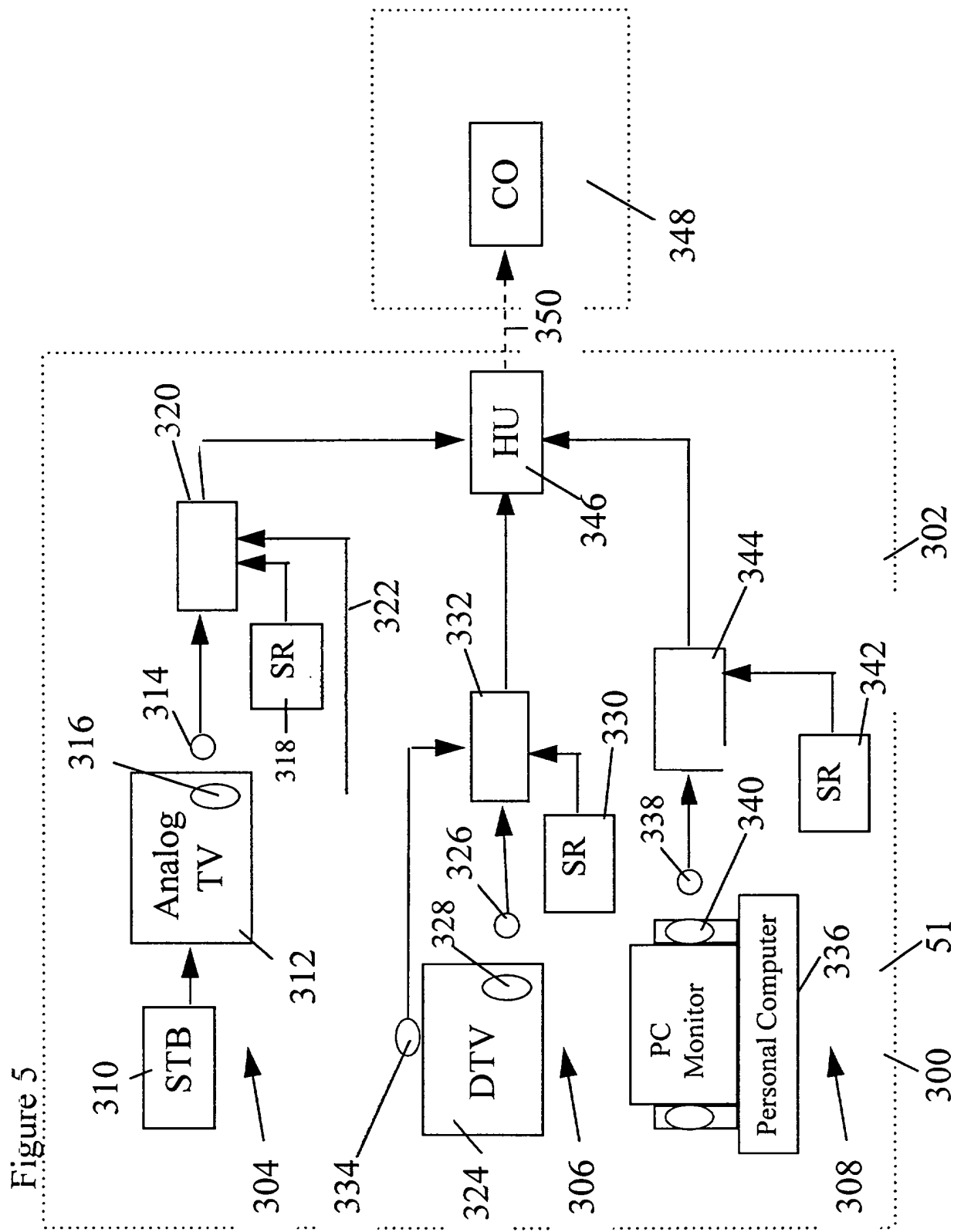


Figure 4





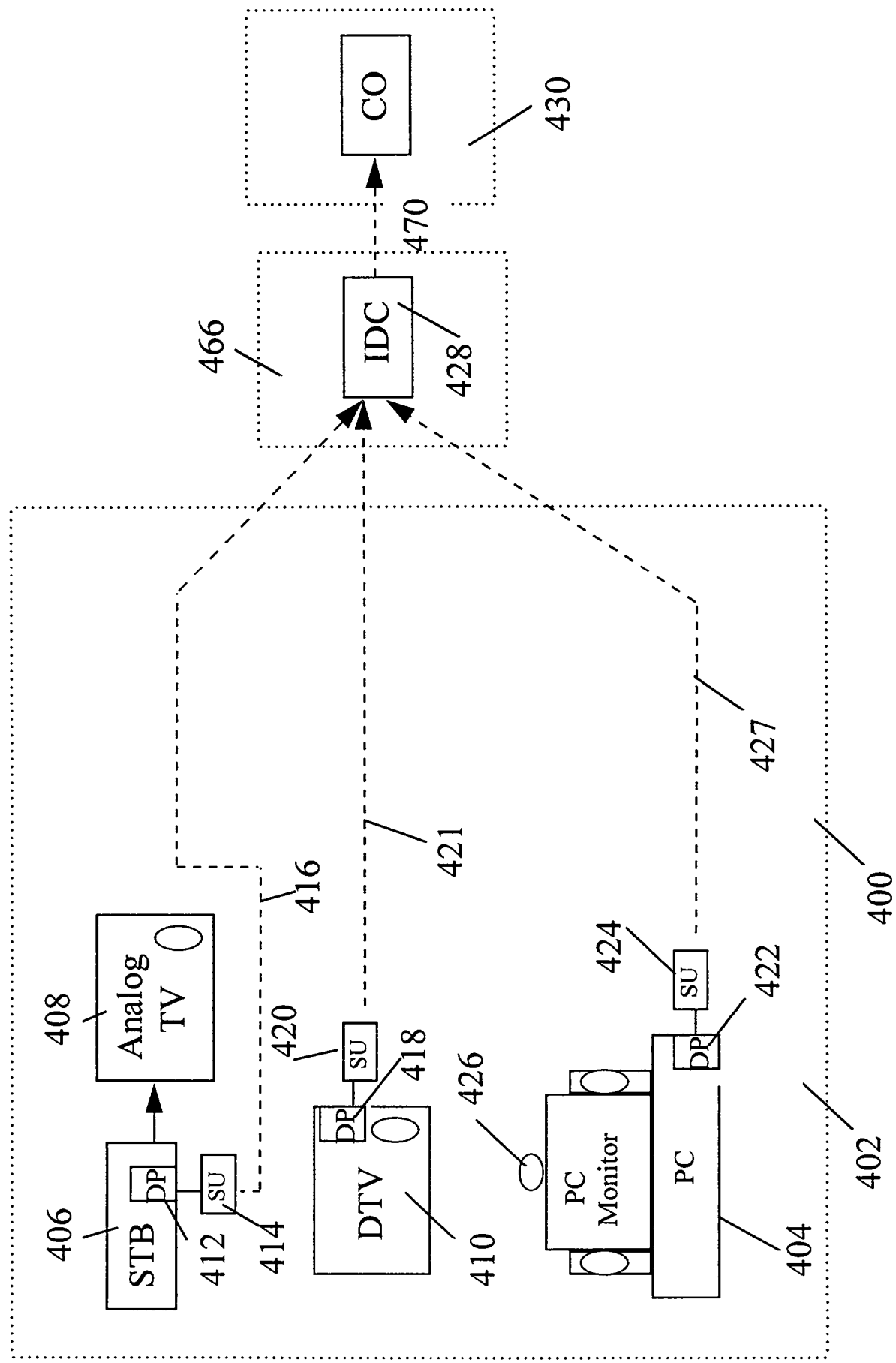
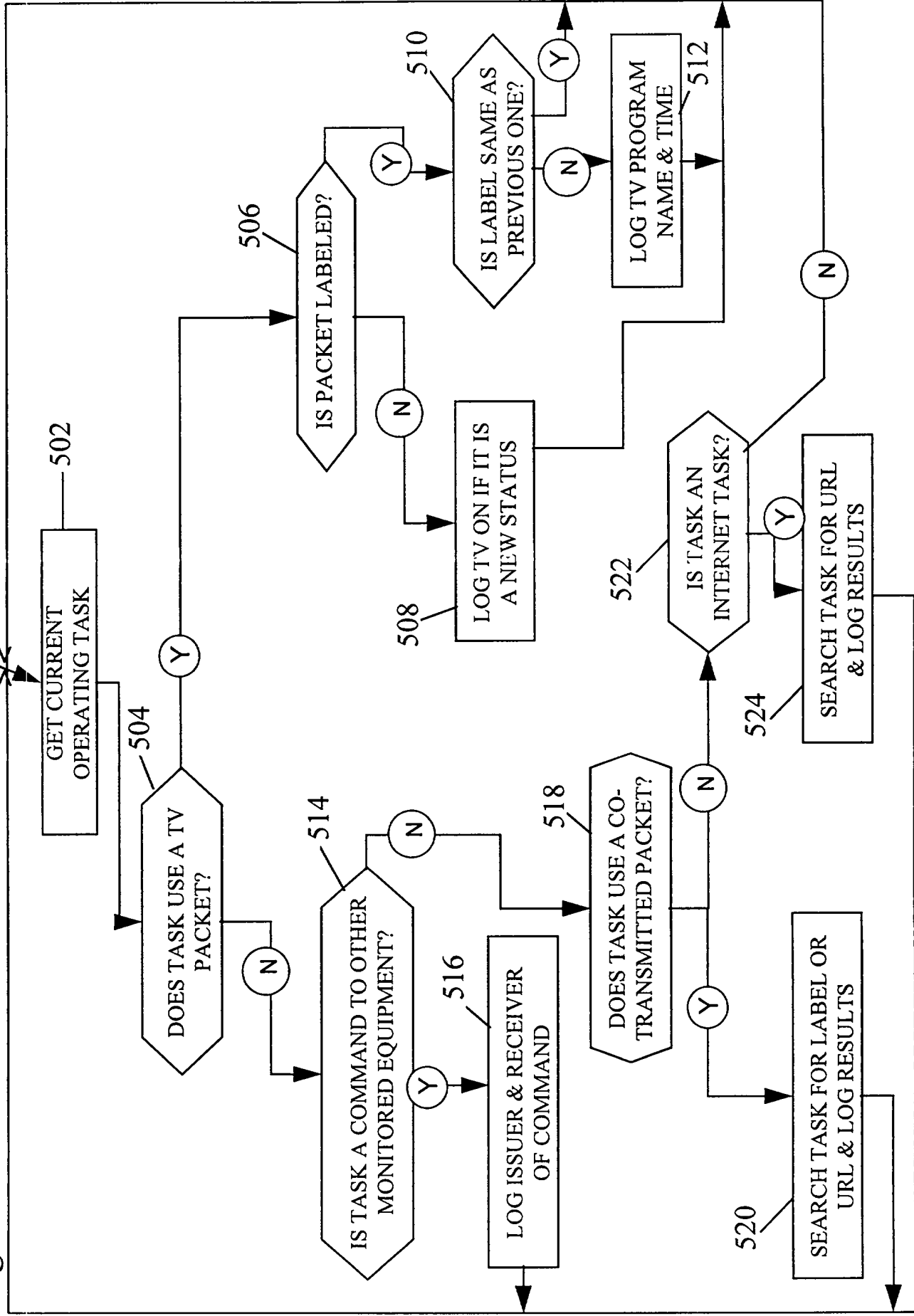
[illegible]

Figure 7





**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**AUDIENCE MEASUREMENT SYSTEM FOR DIGITAL TELEVISION**," the specification of which (check one): ☒ is attached hereto: ☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable); ☐ was filed as PCT International Application No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under Article 19 on \_\_\_\_\_ (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

_____	(Day/Month/Year Filed)
(Application Serial Number)	(Day/Month/Year Filed)
_____	(Day/Month/Year Filed)
(Application Serial Number)	(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

_____	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)
(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)
_____	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)
(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandoned)

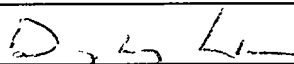
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


**POWER OF ATTORNEY:** I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

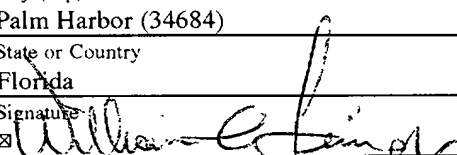
Alvin D. Shulman (19,412)	Timothy J. Vezeau (26,348)	Richard A. Schnurr (30,890)	Richard M. La Barge (32,254)
Owen J. Murray (22,111)	Carl E. Moore, Jr. (26,487)	Anthony Nimmo (30,920)	Karl A. Vick (33,288)
Allen H. Gerstein (22,218)	Richard H. Anderson (26,526)	Christine A. Dudzik (31,245)	Douglass C. Hochstetler (33,710)
Nate F. Scarpelli (22,320)	Patrick D. Ertel (26,877)	Kevin D. Hogg (31,839)	Cynthia L. Schaller (34,245)
Edward M. O'Toole (22,477)	James P. Zeller (28,491)	Jeffrey S. Sharp (31,879)	Robert M. Gerstein (34,824)
Michael F. Borun (25,447)	William E. McCracken (30,195)	Martin J. Hirsch (32,237)	David W. Clough (36,107)
Trevor B. Joike (25,542)		James J. Napoli (32,361)	Richard A. Brandon (37,051)

**Send correspondence to:** Trevor B. Joike

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
Marshall, O'Toole, Gerstein, Murray & Borun	312-474-6300	6300 Sears Tower 233 South Wacker Drive	Chicago, Illinois	60606-6402

Full Name of First or Sole Inventor <b>Daozheng Lu</b>	Citizenship <b>U.S.A.</b>
Residence Address - Street <b>1903 Dunloe Circle</b>	Post Office Address - Street <b>1903 Dunloe Circle</b>
City (Zip) <b>Dunedin (34698)</b>	City (Zip) <b>Dunedin (34698)</b>
State or Country <b>Florida</b>	State or Country <b>Florida</b>
Date <input checked="" type="checkbox"/> <b>Apr 15, 1998</b>	Signature <input checked="" type="checkbox"/> 

Full Name of First or Sole Inventor <b>Paul C. Kempter</b>	Citizenship <b>U.S.A.</b>
Residence Address - Street <b>146 Lakeshore Drive North</b>	Post Office Address - Street <b>146 Lakeshore Drive North</b>
City (Zip) <b>Palm Harbor (34684)</b>	City (Zip) <b>Palm Harbor (34684)</b>
State or Country <b>Florida</b>	State or Country <b>Florida</b>
Date <input checked="" type="checkbox"/> <b>4/15/98</b>	Signature <input checked="" type="checkbox"/> 

Full Name of First or Sole Inventor <b>William A. Feininger</b>	Citizenship <b>U.S.A.</b>
Residence Address - Street <b>1656 Allens Ridge Drive North</b>	Post Office Address - Street <b>1656 Allens Ridge Drive North</b>
City (Zip) <b>Palm Harbor (34684)</b>	City (Zip) <b>Palm Harbor (34684)</b>
State or Country <b>Florida</b>	State or Country <b>Florida</b>
Date <input checked="" type="checkbox"/> <b>4/15/98</b>	Signature <input checked="" type="checkbox"/> 

## APPLICABLE RULES AND STATUTES

### 37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

### 35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

### 35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

### 35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.